

## REMARKS

### 1. *Status of claims*

Claims 7-10 and 15-33 are pending and under consideration.

### 2. *Claim rejection under 35 U.S.C. § 112, first paragraph*

The Examiner rejected claims 7-10 as lacking enablement for the particular strains recited in claim 10, on the grounds that the strains were not readily available to the public.

Applicants enclose a Declaration of Biological Culture Deposit of Danilo Porro, an inventor of the present invention, dated July 28, 2008. This Declaration shows all the particular strains have been deposited with an official depository and the various requirements of 37 CFR 1.801-809. Therefore, Applicants submit the basis for this rejection has been removed and request it be withdrawn.

### 3. *Allowable subject matter*

The Examiner indicated claims 15-33 were objected to as being dependent on a rejected base claim but otherwise allowable. In light of the above discussion of the claim rejection under 35 U.S.C. § 112, first paragraph, Applicants submit the base claims are allowable and the basis for this objection has been removed.

### 4. *Conclusion*

Applicants submit all pending claims are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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AGENT FOR APPLICANTS

Enclosures: Declaration of Biological Culture Deposit of Danilo Porro, dated July 28, 2008  
Microorganism Deposit Receipts